

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

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| BRIAN H. ROBB, Individually and On Behalf of All Others Similarly Situated, | : | |
| | : | |
| Plaintiff, | : | Case No. 2:14-cv-01287-DSC |
| | : | |
| vs. | : | CLASS ACTION |
| | : | |
| EDUCATION MANAGEMENT | : | |
| CORPORATION, EDWARD H. WEST, | : | |
| RANDALL J. KILLEEN, AND MICK J. | : | |
| BEEKHUIZEN | : | |
| | : | |
| Defendants. | : | |

ORDER FOR DISTRIBUTION OF NET SETTLEMENT FUND

By Judgment and Order of Final Approval, dated February 19, 2016 (the “Final Order”), this Court approved, *inter alia*, the terms of the (i) Stipulation of Settlement, dated September 16, 2015 (the “Stipulation”), whereby Defendants agreed to pay \$2.5 million (the “Settlement Fund”), and (ii) Plan of Allocation for distribution of the Net Settlement Fund.¹

The court-approved settlement administrator, Epiq Class Action & Claims Solutions, Inc. (“Epiq” or “Claims Administrator”), has determined that 702 valid claims representing Recognized Losses of \$5,125,979.86 were filed on the Settlement Fund, representing a gross recovery of 48.8% for all valid claims.

In connection with printing, mailing and publication of the Notice, Epiq has expended \$75,811.18 to date, all of which has been reimbursed pursuant to the Stipulation and Final Order.

¹ Unless otherwise indicated, all initially capitalized terms used herein shall have the meanings ascribed to them in the Stipulation of Settlement, dated September 16, 2015 (Dkt. No. 45) (the “Stipulation”).

The Net Settlement Fund (after payment of all court approved attorneys' fees, expenses, compensatory awards, and notice related costs to date) totals \$1,990,531.66 as of June 30, 2016.

This Court has authorized and directed the parties to implement all of the terms and provisions of the Stipulation and has retained jurisdiction over this Action for the purpose of considering any further application or matter which may arise in connection with the administration and execution of the Settlement, the processing of Proofs of Claims, and the distribution of the Net Settlement Fund.

NOW, THEREFORE, upon consideration of the Lead Plaintiff's Motion for an Order for Distribution of the Net Settlement Fund (the "Motion"), the Memorandum, the Thurin Declaration, and upon all prior proceedings herein, and after due deliberation;

IT IS HEREBY ORDERED THAT:

1. Lead Plaintiff's Motion is granted;
2. Distribution of the Net Settlement Fund (after deduction of the payments requested herein and in the Final Order) shall commence no later than ten (10) business days after entry of this Order;
3. Epiq's recommendations to accept the claims as indicated in the exhibits to the Thurin Declaration are approved, and said claims are hereby accepted;
4. Epiq's recommendations to reject the claims (as indicated on the computer printout of rejected claims submitted with and attached to the Thurin Declaration) are approved, and said claims are hereby rejected;
5. No claim or documentation supporting rejected claims received after June 20, 2016 may be accepted for any reason whatsoever;

6. The amount of \$16,151.00 shall be held in reserve for payment of Epiq's estimated fees and expenses in connection with administering and distributing the balance of the Settlement Fund;
7. No earlier than six (6) months from the date of this Order, any unclaimed, residual balance in the Net Settlement Fund will be redistributed *pro rata* to all Claimants who have cashed their checks from the first distribution;
8. Thereafter, if any sums remain unclaimed, and the unclaimed amount is not sufficiently large to warrant further distribution, the balance be paid in equal amounts to the New York City Legal Aid Society and to the Institute of Law and Economic Policy;
9. This Court shall retain jurisdiction over any further application or matter that may arise in connection with this Action.

SO ORDERED:

DATED: July 7, 2016



David Stewart Cercone
United States District Judge